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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,511	07/24/2003	Kenneth D. McKibben	1-24209	1971

4859 7590 12/20/2004

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EXAMINER

LIN. ING HOUR

ART UNIT PAPER NUMBER

1725

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/626,511	MCKIBBEN ET AL.	
	Examiner	Art Unit	
	Ing-Hour Lin	1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/27/03</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill in view of Bloomer and further in view of Thomas et al.

Merrill (col. 2, lines 59+) teaches the claimed press device comprising the claimed fixed lower member (base plate) 32 for supporting four guide posts 38, moveable upper member (platen) 43 supported by the guide posts, and a safety device (rack) 60. Merrill fails to teach the use of the claimed safety block device including a generally upright column.

However, Bloomer (col. 2, lines 31+) teaches the claimed safety block device (die stop) including a generally upright stop column 15 and a removable block 4 having a larger diameter

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mounted on the top of the stop column for the purpose of preventing the moveable upper member (die shoe) 2 from cocking relative to its guide posts 12.

Merrill in view of Bloomer fails to teach the use of the claimed movable end portion for the stop column.

However, Thomas et al (col. 3, lines 49+) teaches the use of the claimed movable end portion for the stop column including round first portion and a second flat portion and a bore formed therethrough and a pivot pin disposed in the bore for the purpose of effectively move the stop column some rotational angle relatively to the upright direction. It would have been obvious to one having ordinary skill in the art to provide Merrill in view of Bloomer the use of the claimed movable end portion for the stop column as taught by Thomas et al in order to effectively move the stop column some rotational angle relatively to the upright direction to the stop working position relative to the moveable platen.

4. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomer in view of Thomas et al.

Bloomer (col. 2, lines 31+) teaches the claimed safety block device (die stop) including a generally upright stop column 15 and a removable block 4 having a larger diameter mounted on the top of the stop column for the purpose of preventing the moveable upper member (die shoe) 2 from cocking relative to its guide posts 12. Bloomer fails to teach the use of the claimed movable end portion for the stop column.

However, Thomas et al (col. 3, lines 49+) teaches the use of the claimed movable end portion for the stop column including round first portion and a second flat portion and a bore formed therethrough and a pivot pin disposed in the bore for the purpose of effectively move the

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stop column some rotational angle relatively to the upright direction. It would have been obvious to one having ordinary skill in the art to provide Merrill in view of Bloomer the use of the claimed movable end portion for the stop column as taught by Thomas et al in order to effectively move the stop column some rotational angle relatively to the upright direction to the stop working position relative to the moveable platen.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ing-Hour Lin whose telephone number is (571) 272-1180. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

I. H. Lin
I.-H. Lin

12-10-04

KILEY S. STONER
PRIMARY EXAMINER

Kiley Stoner 12/13/04